

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

**SHAWN STEWART, BRIAN DAMANN, &)
GRANT OILAR, individually and on behalf of)
all others similarly situated)
)
) Plaintiffs,) Case No. 3:12-CV-05136-DGK
)
v.)
)
**USA TANK SALES AND ERECTION)
COMPANY, INC.,)
)
) Defendant.)****

**UNOPPOSED MOTION TO APPROVE STIPULATION
AND ORDER OF DISMISSAL WITH PREJUDICE**

COME NOW Plaintiffs, Shawn Stewart, Brian Damann, and Grant Oilar, and for their Unopposed Motion to Approve Stipulation and Order of Dismissal with Prejudice, state to the Court as follows:

1. The Parties have agreed to settle this matter on an individual basis, resulting in a pro forma Stipulation and Order of Dismissal with Prejudice [D.E. 50].
2. The Parties' Settlement Agreement is attached hereto as Exhibit 1.
3. The Parties' negotiated the Settlement Agreement in the course of *The PrivateBank and Trust Company v. Global Storage Solutions, LLC et al*, Case No. 1:15-cv-01600 (Northern District of Illinois), in which a court-appointed Receiver--Tank Operations, LLC—took control over all assets and property of Defendant USA Tank Sales and Erection Company, Inc., resulting in a stay of this matter. [D.E. 49]. The Court in Case No. 1:15-cv-01600 heard lengthy testimony regarding the solvency and lack thereof of USA Tank Sales.
4. On May 19, 2015, after an in-person hearing on the Settlement Agreement, the Court in Case No. 1:15-cv-01600 approved the instant Settlement Agreement as a fair and

reasonable compromise of the parties' bona fide wage and hour disputes, and results in a valid, enforceable release of Plaintiffs' claims under the Fair Labor Standards Act, 29 U.S.C. § 201 et seq. See Exhibit 2.

WHEREFORE, Plaintiffs request that this Court enter its Order approving the Stipulation and Order of Dismissal with Prejudice [D.E. 50] subject to any modifications or conditions the Court deems appropriate.

Respectfully submitted, this 28th day of May, 2015

/ Jason T. Brown, Esq.
Jason T. Brown, Esq.
JTB Law Group, LLC
155 2nd Street, Suite 4
Jersey City, NJ 07302
201-630-0000
Fax: 855-582-5297
jtb@jtblawgroup.com

Anthony M. Pezzani, Esq.
Timothy A. Engelmeyer, Esq.
Engelmeyer & Pezzani, LLC
13321 N. Outer Forty Road, Suite 300
Chesterfield, MO 63017
636-532-9933
Fax: 314-863-7793
tony@epfirm.com
tim@epfirm.com

Counsel for Plaintiffs